

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-28 are presently active in this case. The present Amendment amends Claims 1, 16, and 28. Support for the amendments to the claims can be found in the disclosure as originally filed, at least in Figure 2 and corresponding disclosure. Thus, no new matter is added.

In the outstanding Office Action, Claims 1-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kragt et al. (U.S. Pat. Pub. No. 2007/0100755).

Addressing now the rejection of Claims 1-28 under 35 U.S.C. § 102(e) as anticipated by Kragt, Applicants respectfully traverse this assertion.

Claim 1 recites,

A content reproduction apparatus comprising:

a storage section used for storing a source-ID list showing a source of every content allowed to be reproduced and method identification information each used for identifying a method of controlling reproduction of each content;

***a reproduction control method determination section for determining a method of controlling reproduction of the content on the basis of said method identification information;***

a first reproducibility determination section, which is used for producing a result of determination as to whether or not the content to be reproduced is reproducible by ***determining whether or not a source ID added to said content is a source ID included in said source-ID list*** in case said reproduction control method determination section determines that said method to control reproduction of the content is a first reproduction control method;

a second reproducibility determination section, which is used for producing a result of determination as to whether or not the content to be reproduced is reproducible on the basis of usage rule information described in a license issued to said content in case said reproduction control method determination section determines that said method to control reproduction of the content is a second reproduction control method; and

***a reproduction execution*** section for reproducing the content with its source ID determined by said determination result produced by said first reproducibility determination section or said second reproducibility determination section to be the reproducible content.

Claims 16 and 28 recite similar features with regard to the reproduction control method, using the source ID or usage rule for the subsequent reproduction of the content if the source ID is on the source ID list or the usage rule requirement is met.

Kragt describes a display, display method, and user interface for displaying information to the user who “may want clear indication” that particular content is protected by a digital rights management program. Kragt’s system “may also contain” a table to identify specific content items and associate the specific content items with authorized users. Further, Kragt states that the content may have “embedded therein a field identifying the digital rights management system protecting that content item.”

However, Kragt does not disclose or suggest ***that the reproduction of content is based on a method of identification information***. This method of identification is done by identifying either a ***source ID, which is added to content to be reproduced***, that is compared to the source ID list, or on the basis of a usage rule. The source ID is created based on the method by which the content was originally obtained, ripping, recording, transfer from a content provider, etc. Once the source ID is created, it is then added to the content file and the source ID is included on the source ID list. Reproduction of the content, with its source ID, only occurs when either determination results in reproducible content.

According to Kragt the information which is embedded in the content merely provides the particular digital rights management system used to protect that content. Kragt does not describe or suggest that this embedded information indicates whether a user is able to reproduce that content or that the user has access to the content. This embedded field is not the same as the source ID that is added to the content then compared to the source ID list, and if on the source ID list, allows the content to be reproduced. The claimed source ID is not merely providing the user with the particular digital rights management system that controls that content.

Furthermore, Kragt describes when the user actuates the protected content “the appropriate information is displayed or download of the requisite digital rights management module and/or acquisition of access rights *is initiated*.”

Thus, since Kragt requires that the user must actuate the content to *initiate* the process of obtaining the correct digital rights management module and/or acquisition of access rights, this is not the equivalent of taking content, assigning a source ID to the content, adding this source ID to the content, and comparing the source ID of the content to the source ID list when attempting to reproduce the content. Rather, the content has been assigned a source ID and if the source ID is on the source ID list, the apparatus has the ability to reproduce the selected content.

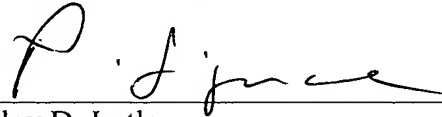
Although directed at different statutory classes and/or varying in scope, independent Claims 16 and 28 recite features which are substantially similar to those noted above in independent Claim 1. Thus, Applicants respectfully request that the rejection of Claims 1, 16, and 28 (and any claims depending there from) under 35 U.S.C. § 102(e) as anticipated by Kragt be withdrawn.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-28 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read "B. Lytle", is written over a horizontal line.

Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)

Philippe J.C. Signore, Ph.D.  
Registration No. 43,922